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7 Attorneys for Defendant
8 PODS, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ISAAC TANNER,

12 Plaintiff,

13 vs.

14 PODS, INC., et al.,

15 Defendants.

Case No. C07-02392 JL

**DECLARATION OF BRIAN BURKS IN
SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION
TO REMAND**

Date: July 11, 2007
Time: 9:30 a.m.
Courtroom: F, 15th Floor

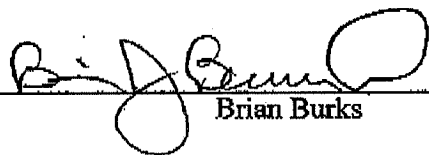
Hon. James Larson

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19 I, Brian Burks, declare as follows:

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21 1. I have personal knowledge of the facts stated herein and could competently testify
22 thereto.

23
24 2. On or about January 31, 2007, I received by mail a copy of the Summons and
25 Complaint in this action, together with a Notice and Acknowledgment of Receipt form. I have
26 never been an employee of PODS, Inc. I was not and am not authorized to accept service of the
27 Summons and Complaint. Accordingly, I did not sign the Notice and Acknowledgment of Receipt
28 form.

1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing facts are true and correct. Executed this 18th day of June 2007, at Hayward,
3 California.

4 
5 _____
6 Brian Burks
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PROOF OF SERVICE

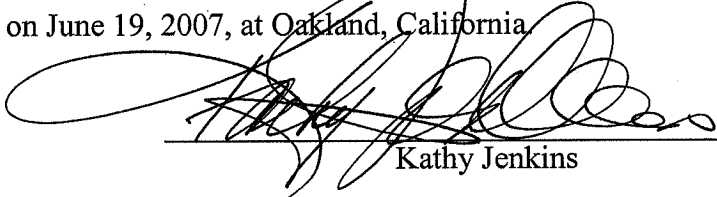
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On June 19, 2007, I served the following document(s) by the method indicated below:

DECLARATION OF BRIAN BURKS IN SUPPORT OF**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO REMAND**

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

M. Van Smith
1696 Mendenhall Drive
San Jose, CA 95130
(408) 364-1062 (T)
(408) 273-6496 (F)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 19, 2007, at Oakland, California.



Kathy Jenkins

REED SMITH LLP
A limited liability partnership formed in the State of Delaware